(Ireland.)

A

BILL

FOR

The Abolition of Receivers under the Court of Chancery in Ireland in certain Cases, and for giving further Facilities to the Sale of Incumbered Estates.

Preamble.

WHEREAS the Practice of placing Estates in Ireland under the Management of Receivers appointed by the High Court of Chancery has an injurious Tendency, and it is expedient to discontinue the same, save where the Custody of such Property by the Court is indispensable: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Receiver not to be appointed where a Sale may be had.

I. From and after the *Second Day of November next* it shall not be lawful for the High Court of Chancery in Ireland, save as hereinafter mentioned, to appoint Receivers to receive the Rents and Profits of any Land or Premises in any Cause or Matter instituted for the Purpose of enforcing Payment of any Debt or Demand, or Interest thereon, for Discharge of which the said Court, or the Landed Estates Court, Ireland, at the Time of the Commencement of such Cause or Matter, shall respectively have Jurisdiction to decree or order a Sale of

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of such Lands in any Cause or Matter properly constituted for that Purpose: Provided that no thing in this Act contained shall extend to affect the Jurisdiction of the Court to appoint Receivers, under the Provisions of the several Acts "to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland," or to appoint Receivers for the Payment of Tithe Rentcharge, or shall prevent the making of any Order to extend Receivers already appointed.

Exception where Sale inexpedient or inapplicable.

II. Nothing in this Act contained shall operate to prevent the said Court of Chancery from appointing a Receiver over Lands in any Case in which it shall appear to the said Court that an immediate Sale would not be a Remedy expedient or applicable to the Case.

Exception where Trust for Sale or for Payment of Debts, and no Person competent to receive Rents.

III. Nothing in this Act contained shall operate to prevent the Appointment of a Receiver over Lands where a Suit or Petition for a Sale shall be pending in the said Court of Chancery or the said Landed Estates Court, founded on a Trust for the Sale of such Lands, or Trust for the Payment of Debts and Incumbrances thereout, where there is no Trustee legally competent to receive the Rents thereof and give Discharges for the same, or where, there being such Trustee or Trustees, the Court shall think fit to remove the same, or such Trustee or Trustees refuse to act, or are incompetent to act, or is or are absent from the Country, or it shall appear to the Court that there is any other substantial Obstacle to the Collection of such Rents.

Where Estate small, such Title as Debtor has to be given to Purchaser, and accepted by him.

IV. In every Suit instituted in the Court of Chancery by a Creditor for the Sale of Land, not falling within the Provisions of an Act passed in the present Session of Parliament, designated "The Judgment Act, Ireland, 1859," it shall be lawful for such Court, if it shall think fit, when the ordinary Course of Procedure of the Court in relation to such Sales would be contrary to the Interest of the Parties, by reason of the small Value of the Land to be sold, or the Expense or Difficulty of making out Title thereto, to make an Order for the Sale of such Estate as the Owner may have in such Land, and thereupon to set up and sell the same, subject to all Defects of Title, pursuant to public Advertisement, which shall state that Persons intending to purchase shall be at liberty previously to the Day of Sale to inspect the Abstract of Title in the Office of the Solicitor having the Conduct of such Sale.

Power to discharge existing Receivers.

V. After this Act shall come into operation, it shall be lawful for the said Court, if it shall see fit, to call upon the Parties to any Cause or Matter in which a Receiver over Land shall have been previously appointed to show Cause why such Receiver should not be discharged; and if it shall appear to the Court that under the existing Circumstances

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stances of the Estate and the Cause or Matter, the Court would, under the Provisions of this Act, have then, upon an original Application for a Receiver, refused to appoint a Receiver in the same, it shall be lawful for the Court, if it so think fit, to discharge such Receiver, upon such Terms and Conditions as to the said Court shall seem just and expedient.

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